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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,751	10/19/2004	Takuji Maeda	2004 1604A	6717
513 7590 07/10/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER BAYOU, YONAS A				
ART UNIT		PAPER NUMBER		
2134				
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07/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/511,751

**Applicant(s)**

MAEDA ET AL.

**Examiner**

YONAS BAYOU

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 18-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to applicant's response filed on 05/30/2008.
2. Claims 18-33 are pending.
3. Claims 1-17 are cancelled.
4. Claims 18-33 are amended.
5. The specification and abstract amendment has entered.
6. Applicant's arguments have been fully considered but they are not persuasive.
7. When responding to the Office action, Applicant is advised to clearly point out the patentable novelty the claims present in view of the state of the art disclosed by the reference(s) cited or the objection made. A showing of how the amendments avoid such references or objections must also be present. See 37 C.F.R. 1.111(c).

### **Response to Arguments**

1. Applicant, on pages 15-17, of the remarks, argues in the server apparatus of independent claim 18, "Yokoyama et al. and Okada et al. do not teach independently or in combination a server apparatus (connected to a processing terminal) for distributing an identified program including a program body for running on the processing terminal and program specific information for running the program body. Further, claim 18 recites that the server apparatus includes, in part, a decision unit operable to (i) distribute only

the program body of the identified program to the processing terminal by prohibiting a distribution of the program specific information when a terminal ID attached to a program request from the processing terminal is recorded in a table of the server apparatus and (ii) distribute the program body and the program specific information, as the identified program, to the processing terminal when the terminal ID is not recorded in the table, wherein the distributed program specific information is for revoking the processing terminal from attempting an unauthorized use of the identified program.

Examiner respectfully disagrees and asserts that Yokoyama discloses that in FIG. 2 shows hoe the server 100 performs mobile agent distribution. The server 100 distributes mobile agents 210 to the home terminals connected to the wide area network 120 to provide services. This is done by forming multiple groups of distribution destinations so that predetermined conditions are met, and then a mobile agent is sent to each of these groups. The sending of the mobile agents 210 is performed by the mobile agent distribution program 106. When the mobile agents are to be distributed, the distribution destinations are divided into groups as needed and a traveling list 201 is generated for each group. The mobile agent 210 is generated using this traveling list 201, service program data 202, and a center signature 203. The mobile agent 210 is formed from a necessary service program 211, a traveling list 212 for the group, and the center signature 203. Multiple service programs 211 can be contained in a single mobile agent, but there is no need to execute all the service programs at each of the home terminals traveled. The traveling list 212 contains information about the service programs to be run at each home terminal. When traveling, the mobile agent 210

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executes service programs, collects data such as account information at each home terminal, and returns to the server 100 when its traveling is completed see paragraph 45 and fig. 2]. FIG. 6 shows sample contents of the service program data 202. The service program data 202 is formed from a set of service program-specific information 601, where there is one service program-specific information 601 for each type of provided service. The service program-specific information 601 is formed from a service name 601a, attributes (e.g., service provider name) 601b, an average execution time 601c, an average memory usage 601d, a service price 601e, a distribution plan 601f, a traveling limit time 601g, and a program body data 601h. The distribution plan 601f is used to determine if distribution times are to be strictly followed or if a certain amount of leeway should be given while keeping costs (e.g., communication fees) down. This can be selected according to the nature of the provided service [see paragraph 55 and fig. 6]. And as shown in FIG. 23, contract data is represented using contract data 2300, where mobile telephone information 501e is added to the contract data 501 from the embodiment described above. The mobile telephone information 501e is formed from home terminal connection base station information 2301 and home terminal information 2302 about home terminals that can establish connections in transceiver mode. When sending out a mobile agent, the server 100 first uses the contract data 2300, the fault data 313, the log data 314, and the service program 202 data to form, out of the home terminals that will be traveled, groups of home terminals capable of connecting in transceiver mode. A transceiver mode connection group table 2400, as shown in FIG. 24, is generated. The transceiver mode connection group table 2400 is formed from a

list 2401 of home terminals capable of communicating in transceiver mode, and base station ID 2401. A traveling list is created using these groups as the smallest unit. The traveling list is created so that the home terminals in a single traveling list connect to at least two base stations. Home terminals that cannot connect to any home terminals in transceiver mode are sorted by communication management area and address as in the embodiment described above and then put in a group to form a traveling list [see paragraphs 123-124 and figs. 23-24].

2. Examiner, however, in light of the above submission maintains the previous rejections while considering the amendments to the claims as follows:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama et al., Pub. No.: US 2001/0029526 A1 in view of Okada et al., Patent Number: 6,049,670.

Referring to claims 18-21, 24, 27, 32 and 33, Yokoyama teaches wherein the program includes a program body running on the information processing terminal and program specific information for running said program body **[paragraph 55 and fig. 6]**, and

Yokoyama further teaches a decision unit operable to (i) to distribute only the program body of the identified program to the information processing terminal by prohibiting distribution of the program specific information of the identified program in a case where the terminal ID attached to the program obtainment request is recorded in the first table **[paragraph 124 and fig. 24]**, and (ii) in case where the terminal ID attached to the program obtainment request is not recorded in the first table, add, to the first table, the terminal ID and the program specific information, such that the added terminal ID and the program specific information have a corresponding relationship identified in the first table, and distribute the program body and the program specific information, as the identified program to the information processing terminal wherein the distributed program specific information is for revoking the information processing terminal from attempting an unauthorized use of the identified program **[paragraphs 45, 55, 69 and figs. 2, 13 and 17]**; mobile agent corresponding to program which includes terminal ID and service program data which includes program-specific information (see fig. 6)]. Yokoyama does not appear to explicitly teach a table holding unit operable to hold a first table identifying a relationship between a previously distributed program and a terminal ID; wherein the information processing terminal stores the terminal ID such

that the stored terminal ID cannot be re-written externally. However, Okada teaches the hidden file method is used in a computer using MSDOS, and the user can only find the hidden file by a special operation. Therefore, it becomes very difficult to duplicate the terminal identifier and the terminal password if they are written in a hidden file **[column 11, lines 30-34]**. Yokoyama and Okada are analogous art because both teach software/program distribution system.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the method of Yokoyama to include the hidden file method is used in a computer using MSDOS, and the user can only find the hidden file by a special operation of Okada because it becomes very difficult to duplicate the terminal identifier and the terminal password if they are written in a hidden file, please see KSR International Co. v. Teleflex Inc., 550 U.S., 82 USPQ2d 1385 (2007) for further interpretation.

Referring to claims 22 and 23, Yokoyama teaches wherein the prescribed value is a value indicating the number of distributions that the program specific information is allowed to be distributed from the server apparatus to the information processing terminal **[paragraph 11; traveling list corresponding to number of distributions]**.

Referring to claim 25, Yokoyama teaches the server apparatus holds a plurality of program specific information which is information that is different for each of the



information processing terminal, and holds one program body which is common for each information processing terminal **[paragraph 55 and fig. 6]**.

Referring to claim 26, Yokoyama teaches wherein the table holding unit holds a fifth table identifying a relationship between a program body ID uniquely identifying the program body of the identified program and the terminal ID of the information processing terminal on which the program body runs **[paragraph 55 and fig. 6]**, and

Wherein the decision unit, by referring to the fifth table (i) determines that the program body of the identified program can be distributed in a case where the program ID and the terminal ID attached to the program obtainment request transmitted from the information processing terminal are identified in the fifth table as having a correspondence and (ii) determines that the program body of the identified program cannot be distributed in a case where the program ID and the terminal ID attached to the program obtainment request transmitted from the information processing terminal are not identified in the fifth table as having a correspondence **[paragraph 123-124 and figs. 23-24]**.

Referring to claim 28, Yokoyama teaches wherein the identified program further includes (i) a program header storing information regarding the program body, and (ii) a specific information header storing information regarding the program specific information **[paragraph 55 and fig. 6]**,

wherein the information processing terminal sends, to the server apparatus, a header obtainment request for obtaining the program header and the specific information header included in the identified program **[paragraph 45 and fig. 2]**,

wherein the server apparatus distributes the program header and the specific information header to the information processing terminal in a case where the decision unit determines that the program body of the identified program can be distributed **[paragraph 9]**, and

wherein the information processing terminal (i) includes a verification unit operable to perform a verification based on the program header and the specific information header, and (ii) transmits the program obtainment request to the server apparatus after the verification is performed by the verification unit **[paragraph 45 and fig. 2]**.

Referring to claims 29 and 31, Yokoyama teaches wherein the program header contains an identifier capable of uniquely identifying the identified program, and wherein the information processing terminal includes another verification unit operable to decrypt, using the specific key, the identified program encrypted with the specific key, and verify, using the identifier, whether encryption with the specific key is performed correctly, the identified program being stored in the memory within the information processing terminal **[paragraphs 54 and 56]**.

Referring to claim 30, Yokoyama teaches wherein the program header, the program specific information, and the specific information header, of the identified program are attached with a digital signature [paragraph 45 and fig. 2; the mobile agent 210 is formed from a necessary service program 211 which corresponding to the program header, the program specific information, and the specific information header; a traveling list 212 for the group, and the center signature 203].

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONAS BAYOU whose telephone number is (571)272-7610. The examiner can normally be reached on m-f,7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yonas Bayou/

Examiner, Art Unit 2134

07/03/2008

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2134